

## REMARKS

Claims 1, 3-16 and 18 are pending.

Claims 1 and 3-15 are allowed.

Claims 16 and 18 are rejected under 35 USC 101 for being directed to non-statutory subject matter. Claims 16 and 18 are amended.

In addition regarding claim 18, the preamble of claim 18 provides "18. (Currently amended) A search ***processing apparatus***, comprising: ..." It is readily apparent that claim 18 is directed to an "***apparatus***," where the phrase "***apparatus***" is a physical hardware and clearly falls under the 'machine' subject matter category of 35 USC 101. In other words, it could not be a reasonable broadest interpretation to interpret "***processing apparatus***" to be software per se, because the phrase "***apparatus***" refers to physical hardware.

In addition, it is readily apparent that the functions recited in claim 18 can be software and/or computing hardware, and would necessarily or inherently be understood by one of ordinary skill in the art to be executed and/or implemented using physical hardware of the claimed "***processing apparatus***." For example, FIG. 1 and page 6, lines 9-23 of the instant application discuss a search server, which clearly would be understood by one of ordinary skill in the art to be a processing apparatus that includes computing hardware that execute functions and/or computer processors that can execute software. In addition, the recited functions of claim 18 implemented by the "***processing apparatus***" are not mere functional descriptive material, but recite functions executed by the "***processing apparatus***." In other words, the phrase "***processing apparatus***" in the preamble of claim 18, prima facie inherently includes physical hardware and amended claim 18 also recites "***storage device***," so that claim 18 is not software per se.

Regarding whether claim 18's "storage" can include a signal, claim 18 is amended to emphasize "***a storage non-transitory storage device that stores ...***"

The 35 USC 101 rejection can be withdrawn.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,  
STAAS & HALSEY LLP

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Date: \_\_\_\_\_April 25, 2011\_\_\_\_\_

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